

SHORTHAND REPORTING

Nov 14, 2008

FILED

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF COURT REPORTING

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Administrative Action

STACEY E. RAIKES, C.S.R.

Certificate #: 30XI00215700

FINAL ORDER
OF DISCIPLINE

TO PRACTICE COURT REPORTING
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Court Reporting (hereinafter the "Board") upon its review of the 2006-2008 biennial renewal application of respondent Stacey E. Raikes, C.S.R. A review of this document revealed that the respondent answered "no" to the question in the renewal application inquiring as to whether she had satisfied the continuing education requirements mandatory for the renewal of her court reporting certificate. The Board has reviewed the renewal application, and other relevant documents on which the following findings of facts and conclusions of law are made:

FINDINGS OF FACTS

1. Respondent, Stacey E. Raikes, C.S.R., is a certified court reporter in the State of New Jersey and has been licensed at all times relevant hereto.

2. On or about August 2006, the Board office reviewed Ms. Raikes's renewal application and noted that she advised that she had not completed the required continuing education courses for renewal of her certificate for the 2006-2008 licensure period.

3. In an undated correspondence, received in the Board office on November 17, 2006, respondent provided an explanation to the Board as to why she had not completed the requisite continuing education. Ms. Raikes explained that she was unable to complete the credits due to the fact that she was working abroad outside of the United States. She further requested that the Board grant her an extension of time within which she could complete the required continuing education.

4. In a letter dated November 28, 2006, the Board advised Ms. Raikes that it had reviewed her letter and directed the respondent to comply with the applicable statutes and regulations governing the practice of court reporting. The Board granted her a six (6) month extension, until June 30, 2007, to fulfill the requirement for the completion of fifteen (15) continuing education credits.

5. In a letter dated May 11, 2007, the Board again advised Ms. Raikes that it had granted her an extension to acquire the necessary continuing education credits by the

extended date June 30, 3007. Additionally, the Board notified, in this correspondence, that failure to complete the required continuing education credits could subject her to disciplinary action.

6. To date, the respondent has neither responded to the Board's December 1, 2006 or May 11, 2007 letter nor demonstrated to the Board that she has satisfied the continuing education requirements for the 2006-2008 biennial renewal period.

CONCLUSIONS OF LAW

1. Respondent has not satisfied the requirements of N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1 and 7.2 with regard to the completion of the appropriate number of approved continuing education credits for the 2004-2006 renewal period and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), namely, the failure to comply with the provisions of an act or regulation administered by the Board. The Board finds that this conduct constitutes grounds for the suspension or revocation of a certificate to practice court reporting as well as grounds for sanction pursuant to N.J.S.A. 45:1-25.

2. Respondent has failed to cooperate with the Board's December 1, 2006 and May 11, 2007 directives to furnish it with proof that she has met and completed the continuing education requirements for both the biennial renewal period of

2004-2006 in violation of N.J.A.C. 13:43-7.1, N.J.A.C. 13:43-7.2 and N.J.A.C. 13:45C-1.3.

3. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, provisionally suspending respondent's license to practice court reporting in the State of New Jersey until she completed the required continuing education, was entered on February 8, 2008 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth (30th) business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

As indicated earlier, a copy of the Provisional Order was sent to the respondent, via both certified and regular mail, on or about February 8, 2008, to her address of record of 130 Sycamore Avenue, Middletown, New Jersey 07748. While, to date, the green receipt card of the certified mail as well as the certified mail itself have been returned, the regular mail was not returned to the Board office. Additionally, the Board has, to date, not received a response to the Provisional Order from the respondent.

This matter was considered by the Board at its March 2008 meeting. Following its review of this matter, the Board concluded that it has met its obligation of proving service by mailing of the proper documents to the licensee's address of record filed with the Board. Additionally, the Board concluded that, despite proof that the respondent had received the Provisional Order, the respondent had failed to comply with the Committee's directives and submit proof of completion of the continuing education credits as by N.J.S.A. 45:15B-3.1, N.J.A.C. 13:43-7.1 and 7.2. Moreover, the Board concluded that the respondent had failed to provide any compelling reasons why the preliminary findings detailed in the February 8, 2008 Provisional Order should be vacated or modified in any way. Finally, the Board determined that further proceedings were not necessary and

that respondent cannot evade process by not responding to it and that no material discrepancies had been raised. Thus, the Board voted to finalize the Provisional Order without modification.

ACCORDINGLY, IT IS on this 30th day of

SEPTEMBER 2008 ORDERED that:

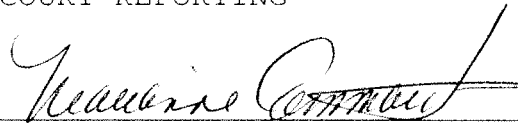
1. The certificate to practice court reporting in the State of New Jersey of the respondent, Stacey E. Raikes, C.S.R., is hereby actively suspended, pursuant to N.J.S.A. 45:1-21, until such time as Ms. Raikes cooperates with the Board's requests and demonstrates compliance with the continuing education requirements for the 2006-2008 licensure period. These continuing education credits **are not** to be used to renew the respondent's certificate for the 2008-2010 renewal period.

2. Ms. Raikes is hereby formally reprimanded for failing to cooperate with the Board's written requests in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:45C-1.3.

3. The respondent, Stacey E. Raikes, C.S.R., is hereby assessed a civil penalty in the amount of **\$500.00** for failing to complete the appropriate number of continuing education credits, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:43-7.1 and 7.2.

NEW JERSEY STATE BOARD
OF COURT REPORTING

By: _____

A handwritten signature in cursive script, appearing to read "Marianne Cammarota", written over a horizontal line.

MARIANNE CAMMAROTA, C.S.R.

President